

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ANTHONY L. LIVINGSTON,	:	
Plaintiff,	:	1:15-cv-2241
	:	
v.	:	Hon. John E. Jones III
	:	
LEWISBURG PENITENTIARY	:	
SMU STAFF,	:	
Defendant.	:	

**ORDER**

**December 22, 2015**

**NOW, THEREFORE**, in accordance with the Court's Memorandum of the same date, **IT IS HEREBY ORDERED THAT:**

1. The motions (Docs. 2, 11) for leave to proceed *in forma pauperis* are GRANTED for the sole purpose of the filing of the action. See 28 U.S.C. § 1915(b).
2. Plaintiff's motion (Doc. 13) to appoint counsel is DENIED.
3. The complaint (Doc. 1) is DISMISSED without prejudice to plaintiff's right to refile the action upon completion of the administrative remedy procedure. See 42 U.S.C. § 1997e(a).
4. The Clerk of Court is directed to CLOSE this case.
5. Any appeal from this order is DEEMED frivolous and not in good faith. See 28 U.S.C. § 1915(a)(3).

s/ John E. Jones III  
John E. Jones III  
United States District Judge